

## HOUSE BILL NO. 781

INTRODUCED BY B. LAKE

A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE DEPARTMENT OF CORRECTIONS TO ESTABLISH A MISDEMEANOR PROBATION OFFICE; PROVIDING FOR THE FUNCTIONS OF THE OFFICE; PROVIDING AN APPROPRIATION; AMENDING SECTION 46-23-1005, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 46-23-1005, MCA, is amended to read:

**"46-23-1005. Misdemeanor probation offices -- officers -- costs.** (1) ~~A local government may~~ The department of corrections shall establish a misdemeanor probation office associated with a justice's court, municipal court, or city court. The misdemeanor probation office shall monitor offenders for misdemeanor sentence compliance and restitution payments. An offender is considered a fugitive under the conditions provided in 46-23-1014.

(2) ~~A local government may appoint~~ The department of corrections shall hire misdemeanor probation officers and other employees necessary to administer this section. Misdemeanor probation officers:

(a) must have the minimum training required in 46-23-1003;

(b) shall follow the supervision guidelines required in 46-23-1011; and

(c) may order the arrest of an offender as provided in 46-23-1012.

(3) An offender who is convicted under 61-8-401 or 61-8-406 or is convicted of the offense of partner or family member assault under 45-5-206 or of a violation of an order of protection under 45-5-626 and who is ordered to be supervised by misdemeanor probation must be ordered to pay for the cost of the misdemeanor probation. The actual cost of probation supervision over the offender's sentence must be paid by the offender unless the offender can show that the offender is unable to pay those costs. The costs of misdemeanor probation are in addition to any other fines, restitution, or counseling ordered."

**NEW SECTION. Section 2. Appropriation.** There is appropriated from the state general fund \$500,000 in each fiscal year of the 2007 biennium to the department of corrections to be used for the purposes of 46-23-1005.

1 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2005.

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